

**Federal Funding Opportunity
DRAFT Request for Applications (RFA)**

Executive Summary

REQUEST FOR COMMENTS: This document is a draft solicitation for an upcoming competitive grant opportunity from the Federal Highway Administration (FHWA). FHWA hereby requests comments, feedback and recommendations regarding this DRAFT solicitation from any interested parties by December 15, 2006. Please provide email or written comments to Ms. Sarah Tarpgaard at the contact information provided below. FHWA intends to issue the final solicitation at www.grants.gov under the Funding Opportunity Number listed below, DTFH61-07-RA-00106, on or about February 1, 2007.

Federal Agency Point of Contact: U.S. Department of Transportation
Federal Highway Administration
Office of Acquisition Management
400 Seventh Street, SW, Room 4410
Washington, DC 20590
Attn: Sarah Tarpgaard, HAAM-40F

Phone (202) 366-5750, Fax (202) 366-3705

Email Sarah.Tarpgaard@dot.gov

Funding Opportunity Title: **“Highways for LIFE Technology Partnerships Program”**

Announcement Type: This is the initial announcement of this funding opportunity.

Funding Opportunity Number: **RFA Number DTFH61-07-RA-00106**

Catalog of Federal Domestic Assistance (CFDA) Number: TBD

Dates: **DRAFT RFA Comments DUE DECEMBER 15, 2006.**
RFA Issue Date is TBD (estimated February 1, 2007).
Application Due Date is TBD (estimated March 15, 2007).

TABLE OF CONTENTS

<u>Section Title</u>	<u>Page</u>
SECTION I - FUNDING OPPORTUNITY DESCRIPTION	3
SECTION II - AWARD INFORMATION	7
SECTION III - ELIGIBILITY INFORMATION	8
SECTION IV - APPLICATION AND SUBMISSION INFORMATION	9
SECTION V - APPLICATION REVIEW INFORMATION	13
SECTION VI - AWARD ADMINISTRATION INFORMATION	14
SECTION VII - AGENCY CONTACT	23

SECTION I – FUNDING OPPORTUNITY DESCRIPTION

A. STATEMENT OF PURPOSE

The Federal Highway Administration (FHWA) hereby requests applications for assistance to result in the award of multiple grants and/or cooperative agreements in support of the Highways for LIFE Technology Partnerships Program.

B. LEGISLATIVE AUTHORITY

The authority to award a grant for this effort is found in Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59), in Section 1502 entitled “Highways for LIFE Pilot Program.” Section 1502(c) allows the Secretary of Transportation to make grants or enter into cooperative agreements or other transactions to foster the development, improvement, and creation of innovative technologies and facilities to improve safety, enhance the speed of highway construction, and improve the quality and durability of highways.

C. BACKGROUND

Highways for LIFE (HfL) is a discretionary program of SAFETEA-LU, funded at \$75 million over four years, to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, quality and user satisfaction, faster construction, and reduced congestion from construction work zones. The purpose is to accelerate the rate of adoption of proven innovations and technologies. The program includes (1) incentive funding for highway construction projects that employ innovative approaches; (2) partnerships with industry to accelerate advancement of innovations from “proven” to “routine practice;” (3) extensive technology transfer and communication; (4) monitoring and evaluation to assess effectiveness; and (5) stakeholder involvement. The program focus is to work within the highway community to increase awareness, and understanding of the benefits of innovations through demonstration projects, technical assistance and technology transfer.

The purpose of the Technology Partnership Program is to work with the highway construction industry to accelerate the adoption of promising innovations. **Innovations is an inclusive term used by HfL to convey all of the following, but not limited to: technologies, materials, tools, equipment, procedures, specifications, methodologies, processes, or practices used in the financing, design, or construction of roads or highways.** This component of the Highways for LIFE Program is intended to provide the financial impetus to adapt a proven non-highway related innovation or to refine or improve existing equipment, materials, practices, or processes that have been demonstrated but not become adopted as routine or common practice in the highway industry.

D. STATEMENT OF OBJECTIVES

Unlike other Federal research grant programs such as the Small Business Innovation Research Program, or the Transportation Research Board's Innovations Deserving Exploratory Analysis Program, the HfL Technology Partnerships program is not intended to fund all phases of the technology development continuum, from concept exploration through marketing. Nor is it intended to fund the marketing of existing products currently available for purchase in the marketplace. The program is intended to fund innovations that have been developed to a prototype and require further development, testing, evaluation and first application in a real-world setting before they would be available for purchase, or conventional practice.

FHWA intends to award grants or cooperative agreements that meet the following eligibility requirements:

1) The innovation must make a significant contribution to achieving at least one of the following Highways for LIFE goals:

- **Improving project and/or work zone safety (including worker or user safety)**

Examples include, but are not limited to, safety improvements to the infrastructure and/or operational aspects of a project that reduce or eliminate exposure, improve communication to the driver (visual, audible cues), or otherwise improve worker/motorist/pedestrian safety.

- **Reducing congestion due to construction**

Examples include, but are not limited to, simulation models that help planners identify strategies to minimize disruption to drivers and surrounding communities and systems that improve traffic flow through or around the work zone.

- **Accelerating construction**

Examples include, but are limited to, the application of process/industrial engineering principals to improve the efficiency of highway construction practices, prefabricated elements and systems including required equipment, rapid setting materials, enhanced logistics and rapid on-site performance testing.

- **Improving quality**

Examples include, but are not limited to, the integration of automated sensors into construction equipment and/or highway structures (pavements and bridges) to achieve enhanced real-time process control, or products that extend the life of the highway such as use of high performance materials, or life cycle cost analysis tools, pavement design tools, or quality control tools

2) The innovation must:

A) be a significant refinement of an existing innovation successfully used in the highway industry or a new innovation that would provide an easier to use, lower

cost, and more reliable options than those currently available to solve a highway-related problem,

OR

B) be a non-highway related innovation that has been successfully used, either domestically or internationally, and has demonstrated a clear potential for success by the U.S. highway industry to provide a feasible solution to a highway-related problem,

AND

have been developed to a prototype, but not yet available for purchase, and be ready for a full-scale, controlled test and first application demonstration under real-world operating conditions.

3) The prototype must be able to be tested and installed on a highway or road project within one year of the award date and be fully evaluated within two years of the award date.

NOTE: Applicants needing assistance in identifying and obtaining support for testing or first application demonstration from a State Highway Agency or local municipality can contact the Highways for LIFE Coordinator in the FHWA Division Office or Local Technical Assistance Program (LTAP) Center in their State for assistance. For further information on FHWA Division locations, please visit <http://www.fhwa.dot.gov/field.html#fieldsites>. For further information on the LTAP Centers please visit <http://www.ltapt2.org/>.

E. EXAMPLES OF ALLOWABLE ACTIVITIES

Applications in response to this solicitation must propose activities under two phases in the required workplan. Phase I includes activities related to refining and testing the prototype and Phase II includes activities related to the first application demonstration, project evaluation, and technology transfer.

Phase I: Activities that will be considered for funding under **Phase I** include, but are not limited to:

- --testing the prototype under approved/recognized test and evaluation protocols by an independent laboratory
- --performance evaluations
- --prototype refinement
- --development of product specifications and operating guidelines

Phase II: Activities that will be considered for funding under **Phase II** include, but are not limited to:

- --evaluation of the first full-scale project demonstration
- --development of guidelines for performance specifications, application, use and maintenance
- --technology transfer activities of the first application and its benefits during construction

Deliverables for this award include a report of the performance specifications, testing results, operating procedures, and/or other Phase I findings, a report of the first demonstration project evaluation and guidelines for performance specifications, application, use and maintenance and/or other Phase II findings. (See Section VI – Award Administration Information, Paragraph B.4. for a complete list of deliverables.)

NOTE: Recipients shall NOT proceed with Phase II without prior written approval from the FHWA Agreement Officer's Technical Representative (AOTR). The FHWA AOTR will authorize work under Phase II only after determination of successful results under Phase I.

Section 508

All final deliverable electronic documents prepared under this agreement must meet the requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The act requires that all electronic products prepared for the Federal Government be accessible to persons with disabilities, including those with vision, hearing, cognitive, and mobility impairments. View [Section 508 of the Rehabilitation Act \(http://www.access-board.gov/508/508standards.htm - PART 1194\)](http://www.access-board.gov/508/508standards.htm - PART 1194) and the [Federal IT Accessibility Initiative Home Page \(http://section508.gov\)](http://section508.gov) for detailed information. The following paragraphs summarize the requirements for preparing FHWA reports in conformance with Section 508 for eventual posting by FHWA to an FHWA-sponsored website.

a. Electronic documents with images

Provide a text equivalent for every non-text element (including photographs, charts and equations) in all publications prepared in electronic format. Use descriptions such as “alt” and “longdesc” for all non-text images or place them in element content. For all documents prepared, vendors must prepare one standard HTML format as described in this statement of work AND one text format that includes descriptions for all non-text images. “Text equivalent” means text sufficient to reasonably describe the image. Images that are merely decorative require only a very brief “text equivalent” description. However, images that convey information that is important to the content of the report require text sufficient to reasonably describe that image and its purpose within the context of the report.

b. Electronic documents with complex charts or data tables

When preparing tables that are heavily designed, prepare adequate alternate information so that assistive technologies can read them out. Identify row and column headers for data tables. Provide the information in a non-linear form. Markups shall be used to associate data cells and header cells for data tables that have two or more logical levels of row and column headers.

c. Electronic documents with forms

When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

SECTION II – AWARD INFORMATION

A. FUNDING

FHWA anticipates that \$3,000,000 - \$4,000,000 will be made available under the Technology Partnership Program, subject to the number of applications received. FHWA anticipates most agreement awards resulting from this solicitation will not exceed \$200,000 for the total period of performance. However, FHWA may award agreements up to \$500,000 for projects that demonstrate a clear plan of action towards immediate commercialization of the proposed innovation.

In addition to the above listed funding amounts, FHWA may provide additional funding at the completion of the award period for supplemental or continuation projects such as a Product Demonstration Showcase.

B. NUMBER OF AWARDS ANTICIPATED

FHWA anticipates making 12 awards at the \$200,000 funding level and up to 3 awards at the \$500,000 funding level.

C. PERIOD OF PERFORMANCE

The period of performance for this agreement will be twenty-four months commencing from the effective date of the agreement.

FHWA anticipates the effective date of this agreement will be_____.

D. TYPE OF AWARD

FHWA intends to award grants and/or cooperative agreements as a result of this RFA.

Note: Applicants may propose either a grant or a cooperative agreement award. If an applicant is seeking substantial Federal involvement in the technical work under the project, applicants should request a cooperative agreement and specify the tasks/activities to be performed by FHWA. If an applicant is not seeking Federal involvement in the technical work of the project, applicants should request a grant award.

E. DEGREE OF FEDERAL INVOLVEMENT

FHWA anticipates Federal involvement between FHWA and the Recipient during the course of this project to include:

- Technical assistance and guidance;
- Close monitoring of the project
- Participation in status meetings including kick off meeting and bi-annual budget reviews.
- Other technical tasks as requested by the applicant and approved by FHWA.

SECTION III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

Competition under this solicitation is open to all non-profit and for-profit organizations EXCLUDING State and Local governments and Institutes of Higher Education.

NOTE: State and Local governments, local municipalities, and Institutes of Higher Education are excluded from competition as prime awardees but are encouraged to participate as a partner at the subawardee level.

B. COST SHARING OR MATCHING

The applicant must contribute a minimum of 20% of the total project costs. Additional cost sharing, above the minimum required, is encouraged and will be taken into consideration in the evaluation for award. See Section V, Evaluation Criteria.

NOTE: The cost share match must equate to 20% of the total project costs. "Total project costs" consist of two parts: (1) the Federal share plus (2) the applicant share. To calculate the 20% match amount required, applicants must propose 20% of the "total project costs." For example, if Federal funds requested is \$200,000, then the 20% cost share match is \$50,000.

The applicant's cost sharing requirement can be met through direct financial support for the product development or testing or through "in-kind" services. For details on costs eligible to satisfy cost share requirements, see 49 CFR Part 19, paragraph 19.23 entitled Cost sharing or matching, available at <http://www.dot.gov/ost/m60/grant/49cfr19>. Note: Cost sharing contributions shall not consist of funds or costs paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching.

SECTION IV – APPLICATION AND SUBMISSION INFORMATION

A. APPLICATION FORMS

The applicant shall complete all forms included in the Application Package for this RFA as contained at www.grants.gov. The applicant shall submit the application on-line at www.grants.gov. The FHWA encourages applicants to register in advance of the application due date at www.grants.gov. Approval of grants.gov registration may take many days or weeks.

B. CONTENT AND FORM OF APPLICATION SUBMISSION

Note: Applicants may mark submittals as proprietary or source selection sensitive in accordance with FAR Part 3.104-4 -- Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information, available at www.arnet.gov.

Submit your application in the following format.

The application package shall consist of the following:

- SF424
- SF424A
- SF424B
- SFLLL
- Agreements.gov Lobbying Form
- Attachments Form
 - 1) Technical Application * - 15 page limit
 - 2) Budget Application Detail* - no page limit

* Applicants may attach as many files as necessary to provide information requested below.

Note: Applications under this RFA are not subject to the State review under E.O. 12372.

Part I - Technical Application

NOTE: The Technical Application cannot exceed 15 pages.

In the event an application exceeds the 15-page limitation, the Government will evaluate only the first 15 pages of the proposal. The format of the above application shall be as follows:

1. Proposals shall be prepared on 8½ x 11 inch paper except for foldouts used for charts, tables or figures, which shall not exceed 11 x 17 inches. Foldouts shall not be used for text, and shall count as two pages.
2. A page is defined as one side of an 8 ½ by 11 inch paper. Therefore, a piece of paper with printing on both sides is considered two pages.

3. Text shall be printed using a font size no less than 12 cpi.
4. Page margins shall be a minimum of 1 inch top, bottom and each side.

Technical applications must contain:

1. COVER SHEET – 1 page

The cover sheet should be a maximum of one page and contain the following information.

1. date
2. title of project
3. name/address/phone number/fax/email of submitting organization and primary point of contact
4. business type (professional trade associations, manufacturers, trade contractors, and suppliers)
5. Brief summary of proposal and potential impact on current practice

2. SUMMARY OF PROPOSAL

Starting on page 2 of the proposal, provide a technical summary of the innovation as follows:

1. Problem Statement. Concisely define the problem the innovation addresses and describe the innovative approach to the problem.
2. HfL Goals. Describe how the innovation addresses the HfL goals as described in Section D: Statement of Objectives, paragraph (1).
3. Potential Payoff for Routine Practice. Describe the potential benefits of implementing the innovation. Include results of market or trend analyses that have been completed.
4. Difference from Other Practices. Describe how this innovation is different and/or more effective than other similar products currently in the marketplace.
5. Other Applications of the Innovation. If the innovation is a refinement or improvement of an existing technology, describe approximately how many times the innovation has been used, organizations that have used it, and their experiences. Provide up to 6 names and their respective contact information.
6. Patent Information, if applicable. Indicate whether the proposed technology/innovation is described in a pending patent application or covered by a patent. If so, provide the patent number and/or patent application number.

3. WORK PLAN

For Phase I, if applicable, applicants must submit at least one but not more than three letters from a State Highway Agency, municipality or contractor, addressed to the applicant, confirming that they intend to consider the use of the product or process in a future project or that they are willing to evaluate the use of the product or process in a current project as part of the applicants Phase I responsibilities.

Phase II should include activities related to the first application demonstration, project evaluation and technology transfer. Applicants are encouraged to submit at least one but not more than 3

letters of interest from State Highway Agencies and/or local municipalities that may be interested in participating in the first application demonstration, subject to the successful results of the testing and evaluation in Phase I.

Phase III, which is not funded by this award, should describe the applicant's capability and plans for product commercialization.

A Gantt chart should be included in the application illustrating the entire Work Plan with an estimated timetable.

4. KEY PERSONNEL AND FACILITIES

Identify the key personnel and include summary information on their background and technical expertise. Describe resources that are available for performing the project. Indicate liaison or cooperative work arrangements, if any, with states, other research organizations, producers, or potential product users.

5. OTHER RELATED PROPOSALS

Provide information on other proposals in the same or related technical areas that have been prepared and submitted by the investigator(s) to other agencies or programs, that are planned to be submitted in the current year, or that have been funded previously. Indicate "not applicable" if no such awards or proposals have been submitted or received. Provide a brief synopsis of other ongoing or completed work related to the proposal.

Part II - Budget Application

NOTE: There is no page limit on budget applications.

NOTE: Profit is not allowable for payment with Federal funds for the prime awardee under this agreement.

Budget applications must contain:

1. Detailed spreadsheet and supporting information clearly delineating and supporting all estimated costs as follows for each agreement year and in summary form. All of the following costs should be provided into two columns: (1) the FHWA share and (2) the cost share.

- Identify names, provide labor categories, labor hours or percentage of time, labor rates.
- Provide indirect rates and bases, include any audit information to support rates.
- Provide supporting information to justify estimates for Other Direct Costs such as equipment, travel, etc.

Note: Travel will be reimbursed at cost in accordance with the applicant's approved travel policy or the Federal Travel Regulations in effect at the time of travel. Include travel costs for two separate meetings, each one-day in length, for project briefings to the HfL staff in Washington, DC.

Note: For guidance on treatment of depreciation, see:

- OMB Circular A-122, Cost Principles for Non-Profit Organizations, available at http://www.whitehouse.gov/OMB/circulars/a122/a122_2004.html, or
- Federal Acquisition Regulation Part 31.2, for commercial for-profit organizations, available at www.arnet.gov.

2. If sub-recipients (lower-tiered organizations and/or individual consultants) will be used in carrying out this project, the following minimum information concerning such, should be furnished:

- Name and address of the organization or consultant.
- Description of the portion of work to be conducted by the organization or consultant.
- Cost details for that portion of work.
- Letter of commitment from sub-recipient.

Note: The total cost of all subcontracts should not exceed 50 percent of total project cost, excluding any costs for specialized equipment or services.

3. The use of a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is required on all applications for Federal grants or grants. Please provide your organization's DUNS number in your budget application.

4. A statement to indicate whether your organization has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.

C. SUBMISSION DATES AND TIMES

Applications must be received electronically through www.Grants.gov by 4:15 pm Washington, DC time on _____TBD.

The deadline cited herein is the date and time by which the agency must receive the application.

Late applications will not be reviewed or considered unless the Agreement Officer determines it is in the Government's best interest to consider the late application.

D. FUNDING RESTRICTIONS

FHWA will not provide any reimbursement of pre-award costs under this proposed agreement.

E. OTHER SUBMISSION REQUIREMENTS

FHWA uses www.Grants.gov for receipt of all applications. Applicants must register with www.Grants.gov and use the system to submit applications electronically.

In the event of system problems or technical difficulties with the application submittal, applicants should contact the FHWA point of contact designated on page 1. If applicants are unable to use the www.Grants.gov system due to technical difficulties, applicants must e-mail applications to the FHWA point of contact listed on page 1 no later than the application deadline cited above.

SECTION V – APPLICATION REVIEW INFORMATION

A. EVALUATION CRITERIA

FHWA will use the following criteria to evaluate applications. Criteria are listed in descending level of importance.

1. Technical Merit of the Application (60%)

- **Significance of Innovation**—Will the innovation produce a significant advancement to conventional practice?
- **Potential Benefit**—Will the innovation benefit the transportation industry nationally?
- **Meets Program objectives** – Does the application meet the HfL program objectives and goals?

2. Organization's Qualifications to Perform the Tasks (40%)

- **Commercialization Capability** – Does the applicant have a plan and have demonstrated ability to have the innovation manufactured, marketed and distributed?
- **Work Plan Approach**—Is the Work Plan well thought out and accomplishable within 2 years?
- **Qualifications of the Program Manager and Phase I and II team members**—Do the Program Managers and team members have the knowledge and relevant experience in completing the proposed tasks within their available facilities?

Cost

In addition to the criteria listed above, relative cost will be considered in the ultimate award decision. The budget application will be analyzed to assess cost reasonableness and conformance to applicable principles. Applications will be evaluated to ensure compliance with the minimum cost share requirement cited above. Applications proposing to exceed the required minimum cost share may receive preference in the evaluation process.

FHWA will consider the amount of cost sharing to be an indicator of potential for continued development and commercialization should the first application demonstration prove successful.

B. REVIEW AND SELECTION PROCESS

The Agreement Officer is the official responsible for final award selections. The Government is not obligated to make any award as a result of this announcement.

FHWA will make award based on the criteria cited above and intends to select applications for award that collectively best meet the diversity of Highways for LIFE goals stated herein.

C. ANTICIPATED ANNOUNCEMENT AND AWARD DATES

FHWA anticipates making award on or about _____ TBD.

D. AWARD NOTICES

Only the Agreement Officer can commit the Government. The award document, signed by the Agreement Officer, is the authorizing document.

Notice that an organization has been selected as a Recipient does not constitute approval of the application as submitted. Before the actual award, FHWA will enter into negotiations concerning such items as program components, staffing and funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the FHWA reserves the right to terminate the negotiation and decline to fund the applicant.

SECTION VI – AWARD ADMINISTRATION INFORMATION

A. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. GOVERNING REGULATIONS

Performance under this grant shall be governed by and in compliance with the following requirements as applicable to the type of organization of the Recipient and any applicable subrecipients:

- “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations (49 CFR 19)”, [located at: <http://www.dot.gov/ost/m60/grant/49cfr19.htm>];
- 2 CFR Part 230 (OMB Circular A-122), “Cost Principles for Non-Profit Institutions” [located at: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-16650.htm>]

- OMB Circular A-133, “Audits of States, Local Governments, and Non-Profits” [<http://www.whitehouse.gov/omb/circulars/a133/a133.html>];
- 2 CFR Part 215 (OMB Circular A-110), “Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations” [*located at: http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.html*]; and
- Any other applicable Federal regulation.

2. RESPONSIBILITIES OF THE RECIPIENT

The Recipient shall provide overall program management. Specifically, the Recipient shall be responsible for the following, as a minimum:

- Performing the Statement of Work as described in Section I, Funding Opportunity Description.
- Coordinating and managing work, including issuing and managing subcontracts/sub awards and consulting arrangements, as necessary.
- Submitting all required reports including Quarterly Progress Reports and Annual Budget Reviews. (See Paragraph B of this Section, entitled Reporting.)
- Meeting with the FHWA Agreement Officer’s Technical Representative (AOTR) as necessary.
- Participating in a kick-off meeting with the AO and/or the AOTR to discuss agreement expectations and procedures.
- Participating in Annual Budget Review meetings with the AO and/or AOTR.

3. TRAVEL AND PER DIEM

Travel and per diem authorized under this grant shall be reimbursed in accordance with the applicant’s acceptable written travel policy in accordance with the OMB Cost Principles. In the absence of an acceptable written travel policy, travel will be reimbursed in accordance with the Federal Travel Regulations in effect at the time of travel. In addition, all non-domestic travel shall be approved by the AO prior to incurring costs.

4. AMENDMENTS

Amendments to this grant may only be made in writing, signed by both parties for bilateral actions and by the AO for unilateral actions, and specifically referred to as an amendment to this grant.

5. AGREEMENT OFFICER'S TECHNICAL REPRESENTATIVE (AOTR)

The AO has designated ____TBD____ as Technical Representative to assist in monitoring the work under this agreement. The AOTR will oversee the technical administration of this agreement and act as technical liaison with the performing organization. The AOTR is not authorized to change the scope of work or specifications as stated in the agreement, to make any commitments or otherwise obligate the Government or authorize any changes which affect the agreement funding, delivery schedule, period of performance or other terms or conditions.

The AO is the only individual who can legally commit or obligate the Government for the expenditure of public funds. The technical administration of this agreement shall not be construed to authorize the revision of the terms and conditions of performance. The Agreement Officer shall authorize any such revision in writing.

6. OBLIGATION CEILING RATIO

Pursuant to section 1102 of SAFETEA-LU, the FHWA is required to annually redistribute a portion of allocated program authorization. Funds available for subsequent years of this agreement shall be adjusted for each fiscal year, which may increase or decrease the total estimated funding available.

7. INDIRECT COSTS

Indirect costs are allowable under this agreement as follows:

<i>Indirect Rate Type</i>	<i>Rate (%)</i>	<i>Base</i>
<i>(Information to be filled in at award)</i>		

In the event the recipient determines the need to adjust the above listed rates, the Recipient shall notify the FHWA of the planned adjustment and provide rationale for such adjustment. In the event such adjustment rates have not been audited by a Federal agency, the adjustment of rates must be pre-approved in writing by the Agreement Officer.

This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient's audited final indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding available.

8. DATA RIGHTS

Pursuant to 49 CFR Part 19.36, Intangible property,

- a. The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agency(ies) reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.
- b. Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."
- c. The Federal Government has the right to:
 1. Obtain, reproduce, publish or otherwise use the data first produced under an award; and
 2. Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

Note: Under this award, FHWA interest and focus resides in the performance of the innovation and how the innovation contributes to the goals of the Highways for LIFE program, not in whether the innovation is potentially proprietary.

9. PAYMENT

The Recipient may request advances or reimbursement of costs incurred in the performance hereof as are allowable under the applicable cost provisions [see 49 CFR Part 19.27 and 2 CFR Part 215] not-to-exceed the funds currently available as stated herein. The Recipient shall submit an original and one copy of the SF 270, Request for Advance or Reimbursement, no more frequently than monthly, to the AO address, and one additional copy to the AOTR address.

Advance Payments: The Recipient may be paid in advance, provided the Recipient maintains or demonstrates the willingness to maintain the following in accordance with 49 CFR Part 19: (1) written procedures that minimize the time elapsing between transfer of funds and disbursement by Recipient, and (2) financial management systems that meet the standards for fund control and accountability. When these items are not met, reimbursement will be the method of payment.

Payment for Reimbursement: When requesting reimbursement of costs incurred, the Recipient shall submit supporting cost detail with the SF 270 to clearly document costs incurred including the cost share portion. Cost detail includes a breakout of all costs incurred direct labor, indirect costs, other direct costs, travel, etc.

The Agreement Specialist and the AO reserve the right to withhold processing requests for advance or reimbursement until sufficient detail is received. In addition, reimbursement will not be made without AOTR review and approval to ensure that progress on the Agreement is sufficient to substantiate payment. After AOTR approval, the Agreement Specialist will certify and forward the advance or request for reimbursement to the payment office. *Note: Standard Forms may be located at <http://fhwa.dot.gov/aaa/hamhome.htm>.*

10. ACKNOWLEDGEMENT OF SUPPORT AND DISCLAIMER

An acknowledgment of FHWA support and a disclaimer must appear in any publication of any material, whether copyrighted or not, based on or developed under the grant, in the following terms:

“This material is based upon work supported by the Federal Highway Administration under grant No. DTFH61-06-(to be filled in at award)”.

All materials must also contain the following:

"Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the Federal Highway Administration."

11. SITE VISITS

The Federal Government, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the Federal Government on the premises of the Performing Organization or a subrecipient under this grant, the Performing Organization shall provide and shall require their subrecipients to provide all reasonable facilities and assistance for the safety and convenience of the Government representative in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay work.

12. TERMINATION AND SUSPENSION

The Government may terminate this agreement in whole or in part, upon providing written notification to the Recipient, if the AO determines that a Recipient has failed to complete the technical or administrative terms and conditions of the award.

13. BUDGET REVISION/REALLOCATION OF AMOUNTS

The Recipient is required to report deviations from budget and program plans, and request prior approval for budget and program plan revisions in accordance with CFR Part 19.25.

Note: The Recipient must obtain prior written approval from the Agreement Officer to transfer amounts budgeted for direct cost categories when the cumulative value of such transfers will exceed 10% of the value of Federal share of this agreement. When requesting such approval, a letter request suffices.

14. FINANCIAL MANAGEMENT SYSTEM

By signing this agreement, the Recipient verifies that is has, or will implement, a financial management system adequate for monitoring the accumulation of costs and in compliance with the financial management system requirements of 49 CFR Part 19. The Recipient's failure to comply with these requirements may result in agreement termination.

15. ALLOWABILITY OF COSTS

Determination of allowable costs will be made in accordance with the applicable Federal cost principles, e.g., Non-Profit Organizations-2 CFR Part 230; Educational Institutions-2 CFR Part 220; FAR Part 31 – For Profit Organizations.

16. COST SHARING OR MATCHING

The Applicant shall provide a minimum of a 20% match to the total cost of the project. The applicant 20% match requirement can be met through direct financial support for the product development or testing or through "in-kind" services. By the completion date of the agreement, the applicant must have met the cost-sharing requirement. All cost share contribution must be submitted with sufficient detail and/or documentation to support the value of the contribution. If additional detail and/or documentation are determined necessary in order to verify the contribution, the applicant shall provide the requested information in a timely fashion.

17. AVAILABLE FUNDING

The total not-to-exceed amount of Federal funding that may be provided under this grant is \$____(to be filled in at award) for the entire period of performance, subject to the limitations shown below:

- (1) Currently, Federal funds in the amount of \$____ (to be filled in at award), are obligated to this agreement.

- (2) Subject to availability of funds, and an executed document by the Agreement Officer, \$_____ (to be filled in at award) may be obligated to this agreement.

The Government's liability to make payments to the Recipient is limited to those funds obligated under this agreement as indicated above and in any subsequent amendments.

18. CENTRAL CONTRACTOR REGISTRY (CCR)

The Recipient must be registered in the CCR in order to receive payments under this agreement. Use of the CCR is to provide one location for applicants and Recipients to change information about their organization and enter information on where government payments should be made. The registry will enable Recipients to make a change in one place and one time for all Federal agencies to use. Information for registering in the CCR and online documents can be found at www.ccr.gov.

19. KEY PERSONNEL

The Recipient shall request prior written approval from the AO for any change in key personnel specified in the award.

20. PROGRAM INCOME

Program Income earned during the project period shall be retained by the Recipient and added to funds committed to the project by the Federal awarding agency and the Recipient and used to further eligible project or program objectives.

21. SUBAWARDS

Unless described in the application and funded in the approved award, the Recipient shall obtain prior written approval from the AO for the subrecipient, transfer, or contracting out of any work under this award.

22. DEBARMENT AND SUSPENSION REQUIREMENTS

The Recipient shall comply with the Subpart C of 49 CFR Part 29, Government Debarment and Suspension (Nonprocurement). Further, the Recipient shall flow down this requirement to applicable subawards by including a similar terms or condition in lower-tier covered transactions. See 49 CFR Part 29 for detail of the requirement. (Note: 49 CFR Part 29 is available online at <http://www.dot.gov/ost/m60/grant/regs.htm>).

23. DRUG FREE WORKPLACE

The Recipient shall comply with Subpart B of 49 CFR Part 32, Governmentwide Requirements for a Drug-Free Workplace (Financial Assistance). See 49 CFR Part 32 for details of the requirement. (Note: 49 CFR Part 32 is available online at <http://www.dot.gov/ost/m60/grant/regs.htm>).

B. REPORTING

1. ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

The Recipient shall submit all required reports and documents, under transmittal letter referencing the grant number, as follows:

Submit one hard copy to the Agreement Specialist at the following address:

Federal Highway Administration
Office of Acquisition Management
400 Seventh Street, SW, Room 4410
Washington, DC 20590

Attention: (to be filled in at award)

Submit two hard copies and one electronic copy to the AOTR at the following address:

Department of Transportation
Federal Highway Administration
400 Seventh Street, SW, Room 3232
Washington, DC 20590

Attention: (to be filled in at award)

2. QUARTERLY PROGRESS REPORT

The Recipient shall submit two copies and one electronic copy of the quarterly progress report to the AOTR and one copy to the Agreement Specialist on or before the 30th of the month following the calendar quarter being reported. Final progress reports are due 90 calendar days after expiration of the award. Calendar quarters are:

- (1) January - March
- (2) April - June
- (3) July - September
- (4) October - December

Each report shall contain concise statements covering the activities relevant to the project, including:

- (a) A clear and complete account of the work performed each quarter.
- (b) An outline of the work to be accomplished during the next report period.
- (c) A description of any problem encountered or anticipated that will affect the completion of the work within the time and fiscal constraints as set forth in the grant, together with recommended solutions to such problems; or, a statement that no problems were encountered.
- (d) A section addressing how the results of the work performed supports one or more of the FHWA and Department of Transportation (DOT) strategic goals of safety, mobility, global connectivity, environmental stewardship, security, and organizational excellence.
- (e) A tabulation of the current and cumulative costs expended by quarter versus budgeted costs, including cost share.
- (f) SF269 or SF269A, Financial Status Report.
- (g) If advance payments are used, SF272, Report of Federal Cash Transactions.

3. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

The Recipient shall submit two copies of the Annual Budget Review and Program Plan to the AOTR and one copy to the Agreement Specialist 60 days prior to the end of each agreement year. The Annual Budget Review and Program Plan shall provide a detailed schedule of activities, estimate of specific performance objectives, include forecasted expenditures, and schedule of milestones for the upcoming agreement year. If there are no proposed deviations from the Approved Project Budget, the Annual Budget Review shall contain a statement stating such. The Recipient will meet with FHWA to discuss the Annual Budget Review and Program Plan. Work proposed under the Annual Budget Review and Program Plan shall not commence until AO written approval is received.

4. DELIVERABLES

Kick off Annual Meeting	TBD
Detailed Workplan with timetable	30 days after grant effective date
Phase I - Report of performance specifications, testing results, operating procedures, and/or other phase I findings.	TBD
Phase II - Report of the first demonstration project evaluation	TBD
Guidelines for performance specifications, application, use and maintenance and/or other phase II findings.	TBD
Quarterly Progress Reports	On or before the 30th of the month following the calendar quarter being reported
Final Report	90 days after expiration of award
Annual Budget Review and Program Plan	60 days prior to end of agreement year

SECTION VII - AGENCY CONTACT

Address any questions to:

Sarah Tarpgaard, Agreement Officer
Federal Highway Administration
Office of Acquisition Management, HAAM-40F
400 Seventh Street SW, Room 4410
Washington, DC 20590

Sarah.Tarpgaard@dot.gov; (202) 366-5750